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EXAMINER	
WANG-HURST, KATHY W	

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/579,787	NAVNTOFT, JACOB	
	Examiner	Art Unit	
	KATHY WANG-HURST	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 November 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 11/24/2008 has been entered. Claims 1-7 are amended. Claims 16-19 are added. Claims 1-19 are still pending in this application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amended claims recite "a controller being adapted to enter … a third operating state when said angle position detection signal represents an angle position greater than a forth threshold angle position", wherein "a second threshold angle position", "a third threshold angle position" and " afourth threshold angle position" are introduced to the amended claims but are not mentioned or defined anywhere in the original specification or claims. For the purpose of examination, the claims are interpreted as "a controller being adapted to enter … a third operating state when said angle position detection signal represents an angle position within a third interval", as cited in the specification.

Response to Arguments

4. Applicant's arguments filed have been fully considered but they are not persuasive.

The applicants argued features wherein an apparatus having two housing members pivotally couple to each other and a detecting unit being able to detect the angle positions of the housing members and a control unit being able to enter different operating states according to the detected angle positions, read upon Ulveland as follows.

Ulveland discusses a mobile phone with a movable cover allows a user to preview caller ID on a display that is normally concealed by the cover. Thus Ulveland shows limitations of “an apparatus having a first housing member, a second housing member pivotally couple to said first housing member.” Ulveland discusses the mobile phone performing different functions depending on the angle positions of two housing members. Thus Ulveland shows the limitation of “a controller operable in a plurality of operation states". Ulveland discusses position detectors detecting the angle positions of the phone, and the positions including closed, open and preview. thus Ulveland shows the limitation of "a detector associated with said first and second housing members and connected to said controller, said detector being adapted to detect an angel position related to said first and second housing members and supply an angle position detection signals to said controller”. Ulveland discussed phone monitoring the position of the cover and accepting the incoming call if the cover is detected to pas a trigger point, and not accepting the incoming call if the cover is detected not to pass the trigger point.

Ulveland also discusses the phone being able to activate a reprogrammed response when it detects that the cover has been closed. Ulveland discusses the closed position with two housing member being shut, preview position with cover opening up but less than a trigger position and open position with cover opening greater than a trigger position. Thus Ulveland shows the limitation of "said controller being adapted to enter a first opearting state when said angle position detection signal represents an angle position less than a first threshold angle position, a second operating state when said angle position detection signal represents an angle position within a second interval and a third operating state when said angle position detection signal represents an angle position within a third interval, wherein the second interval is greater than the third interval, and where in said controller is further adapted to control reception of an incoming call by rejecting said incoming call upon a transition from said second state to said first state or accepting said incoming call upon a transition from said second state to said third state."

Therefore, the argued limitations read upon the cited references or are written broad such that they read upon the cited references, as follows.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7, 8-10 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ulveland (US 6215993), cited in applicant's IDS.

Regarding claim 1, Ulveland discloses a communication apparatus having a first housing member (Fig. 2 item 40),

a second housing member pivotally coupled to said first housing member (Fig. 2 item 50),

a controller operable in a plurality of operation states (Fig. 1 item 12), and

a detector associated with said first and second housing members (Fig. 1 item 60), and connected to said controller (col. 3 lines 47-48),

said detector being adapted to detect an angle position related to said first and second housing members and supply an angle position detection signal to said controller (col. 3 lines 45-47),

and

said controller being adapted to enter a first operating state when said angle position detection signal represents an angle position within a first interval (col. 4 line 63-col. 5 line 1, from closed position to preview position), a second operating state when said angle position detection signal represents an angle position within a second interval (col. 4 line 63-col. 5 line 1, from preview position to trigger position), and a third operating state when said angle position detection signal represents an angle position within a third interval (col. 4 line 63-col. 5 line 1, from trigger position to open position), wherein said controller is further adapted to control reception of an incoming call by

rejecting said incoming call upon a transition from said second state to said first state (col. 4 line 65-col. 5 line 1, not accept call if the cover is opened to preview position but not reached to trigger point), or accepting said incoming call upon a transition from said second state to said third state (col. 4 lines 63-65, accept call if the cover passes trigger point).

Regarding claim 2, Ulveland discloses the communication apparatus of claim 1, wherein the detector comprises a means provided with one or more cams and one or more electromechanical switches, said cams being adapted to actuate said one or more electromechanical switches to generate said angle position detection signal directly representing said angle position interval (col. 3 lines 45-56).

Regarding claim 3, Ulveland discloses the communication apparatus of claim 1, wherein said controller is adapted to accept said incoming call upon said transition from said second state to said third state after a transition from said first state to said second state, wherein said controller is adapted to provide caller information when in said second state (col. 4 lines 56-62).

Regarding claim 4, Ulveland discloses the communication apparatus according to claim 1, wherein said first state is a state in which said first and second housing members are essentially folded up (col. 4 lines 1-2).

Regarding claim 5, Ulveland discloses the communication apparatus according to claim 1, wherein said detector comprises a hall sensor (col. 3 line 55).

Regarding claim 6, Ulveland discloses the communication apparatus according to claim 1, wherein said detector comprises an electromechanical switch (col. 3 lines 50-56 detector comprises mechanical switches and a position senor such as Hall sensor, magnetic sensor or optical sensor).

Regarding claim 7, Ulveland discloses a method for operating a communication apparatus having a first housing member(Fig. 2 item 40) and a second housing member pivotally coupled to said first housing member (Fig. 2 item 50), said method comprising detecting an angle position related to said first and second housing members(col. 3 lines 45-47);
entering a first, second and third state of said communication apparatus related to a first, second, and third interval of said angle position respectively (col. 4 lines 1-16);
receiving a phone call (col. 4 line 58), comprising the sub-steps of unfolding said communication apparatus from said first state to said second state (col. 4 lines 5-8);
displaying caller information (col. 4 line 5-8); and
rejecting said phone call by folding said communication apparatus to said first state (col. 4 line 11-14);
or

accepting said phone call by further unfolding said communication apparatus to said third state (col. 4 lines 8-11).

Regarding claim 9, Ulveland discloses the method according to claim 7, comprising accepting an incoming call upon said transition from said second state to said third state after a transition from said first state to said second state (col. 4 lines 63-65, accept call if the cover passes trigger point).

Regarding claim 10, Ulveland discloses the method according to any claim 7, comprising activating a display upon transition from said first state to said second state (col. 4 lines 5-8).

Regarding claim 12. Ulveland discloses The method according to claim 7, comprising activating presentation of information of a new message on a display upon transition from said first state to said second state(col. 4 lines 5-8).

Regarding claim 13, Ulveland discloses The method of claim 12, comprising activating presentation of the message upon transition from said second state to said third state (col. 4 lines 63-65, accept call if the cover passes trigger point).

Regarding claim 14, Ulveland discloses The method according to any claim 7, comprising activating presentation of information of an incoming call on a display upon

transition from said first state to said second state (col. 4 lines 5-8).

Regarding claim 15, Ulveland discloses the method according to claim 7, comprising deactivating a display upon transition from said second state to said first state (col. 5 lines 48-52 process ends, therefore deactivating display).

Regarding claim 16, Ulveland discloses one or more computer readable media storing computer executable instructions that, when executed, cause an apparatus to perform: detecting an angle position related to a first housing member pivotally coupled to a second housing member of a communication device (col. 3 lines 37-67); entering a first operating state when said angle position is less than a first threshold angle position(col. 4 lines 56-col. 5 line 18); entering a second operating state when said angle position is greater than a second threshold angle position and less than a third threshold angle position(col. 4 lines 56-col. 5 line 18); entering a third operating state when said angle position is greater than a fourth threshold angle position(col. 4 lines 56-col. 5 line 18); and controlling reception of an incoming call by rejecting said incoming call upon a transition from said second operating state to said first operating state, and accepting said incoming call upon a transition from said second operating state to said third operating state(col. 4 lines 56-col. 5 line 18), wherein the first threshold angle position is a smaller angle than the second threshold angle position(col. 4 lines 56-col. 5 line 18), and the third threshold angle position is a smaller angle than the fourth angle threshold position(col. 4 lines 56-col. 5 line 18 and Figs 3, 4 , and 5).

Regarding claim 17, Ulveland discloses the computer readable media of claim 16, wherein said instructions further cause the apparatus to perform providing caller information when the appaxatus is in the second operating state (col. 4 lines 1-19).

Regarding claim 18, Ulveland discloses the computer readable media of claim 17, wherein said instructions further cause the apparatus to perform accepting said incoming call upon said transition from said second operating slate to said third operating state after a transition from said first operating state to said second operating state(col. 3 lines 37-67 and col. 4 lines 56-col. 5 line 18).

Regarding claim 19, Ulveland discloses the computer readable media of claim 16, wherein said first operating slate identifies a closed configuration of the apparatus(col. 3 lines 37-67 and col. 4 lines 56-col. 5 line 18).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ulveland in view of Satoh et al. (US 7272423).

Regarding claim 8, Ulveland discloses the method of claim 7, wherein said detection comprises actuating an electromechanical switch; and
generating an angle position signal by said electromechanical switch (col. 3 lines 50-56). Ulveland fails to disclose actuating an electromechanical switch by a cam. Satoh teaches a foldable phone with a rotating hinge using a cam. The cam taught by Satoh allows the casing of the mobile phone to be pivotably moved by the angle of 180 degrees along the desired direction (col. 12 lines 31-34). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the cam taught by Satoh into the position detection unit disclosed by Ulveland in order to control the movement of the mobile phone cover.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ulveland in view of Park et al. (US 7200224).
Regarding claim 11, Ulveland discloses the method according to claim 7 (col. 4 lines 1-19 activating a display), but fails to teach the method comprising scanning of a touch screen when said communication apparatus is in said third state. Park teaches a foldable cell phone that has a touch screen as a data input means as well as a display device (col. 4 lines 11-14). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate a touch screen taught by Park into the cell phone disclosed by Ulveland in order to extend the functions

of the mobile phone by providing a touch screen that performs dual functions (col. 4 lines 11-14).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHY WANG-HURST whose telephone number is (571) 270-5371. The examiner can normally be reached on Monday-Thursday, 7:30am-5pm, alternate Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHY WANG-HURST/
Examiner, Art Unit 2617

/NICK CORSARO/
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